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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/847,765

05/01/2001

Greg Carlson

10003924-1

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7590

11/15/2005

AGILENT TECHNOLOGIES  
Legal Department, 51U-PD  
Intellectual Property Administration  
P.O. Box 58043  
Santa Clara, CA 95052-8043

EXAMINER

PHAM, BRENDA H

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/847,765		<b>Applicant(s)</b> CARLSON, GREG	
	<b>Examiner</b> Brenda Pham		<b>Art Unit</b> 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-20 is/are allowed.
- 6) ☐ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) 3-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-20 are pending in this application.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toh (US 5,987,011) in view of Forslow (US 6,954,790 B2).

Claim 1, Toh discloses a method for routing messages in an ad hoc network having a plurality of nodes, where each node has a location, where at least one node can change its location, the method comprising: receiving a message, determining whether the received message has been encountered recently; when the received message has not been encountered recently, determining whether the current node is the destination of the message; when the current node is the destination of the message, processing the message; and when the current node is not the destination of the message, selectively forwarding the message to another node.

{Referring to FIG. 5a, once the BQ packet 18 has been broadcast by the source node 20, all neighboring nodes 01, 02, 03, IS1 that receive the packet 18 check if they have previously processed the BQ packet 18. If affirmative, the BQ packet 18 is discarded, otherwise the neighboring node 01, 02, 03, IS1 checks if it

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**is the destination node 24. If it is not the destination node 24, the neighboring node 01, 02, 03, IS1 appends its mobile host address 26 at the intermediate node identification (ID) field of the BQ packet 18 and broadcasts it to its neighbor, column 8, lines 23-35)).**

Although Toh does not teach employs the geographic position data of the current node, this limitation is well known in the art and is taught by Forslow.

**{In ad hoc network, the mobile client may use a spatial location protocol to determine the geographic position of itself and the available mobile service routers (column 12, lines 5-32).}**

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the step of forwarding the message to another node by employing the geographic position data of the current node, such as that taught by Forslow, so that the mobile client will then select the mobile service router which is in closest geographic vicinity as its diameter server (column 12, line 5-32).

Claim 2, as explained in the rejection statement of claim 1, Toh in view of Forslow disclose all claim limitations recited in claim 1 (parent claim). Although Toh and Forslow does not teach the steps of determining whether a message has been received; when a message has not been received, continues to wait for the arrival of a message, it is well known and would have been obvious to implement these steps in Toh in view of Forslow to allow the system more time to wait for arrival of message.

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Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the claim limitations of claim 2 in Toh in view of Forslow.

***Allowable Subject Matter***

4. Claims 12-20 are allowed.
5. Claims 3-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

***Conclusion***

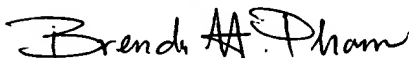
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

November 10, 2005

Brenda Pham

Brenda A. Pham